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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
RC1001v1

First named inventor: Christian S. Rode

Application No.: 09/287,478

Art Unit: 2128

Filed: April 6, 1999

Examiner: Phan, Thai Q.

Title: Apparatus For Evaluating And Demonstrating  
Electronic Circuits And Components

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☒ Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Amended Appeal Brief (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on 02/21/2008 CNEGA1 00000007 09287478  
☐ is enclosed herewith.

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

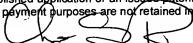
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

2/19/2008

Date

Christian S. Rode

N/A

Typed or printed name

Registration Number, if applicable

c/o Rode Consulting, Inc. 6209 Stearns Hill Rd.

781-899-4322

Address

Telephone Number

Waltham, MA 02451

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other (specify in separate sheet) **CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

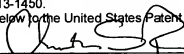
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

2/19/2008

Date



Signature

Christian S. Rode

Typed or printed name of person signing certificate



**Supporting Letter for Petition for Unintentional Delay and Abandonment under 37 CFR 1.137(b)**

Statement by Inventor / Applicant : Christian S. Rode  
Application Number : 09/287,478  
Filed : 4/6/1999  
Inventor Docket : RC1001V1

Date of this letter : 02/18/2008

To Whom it May Concern,

1. I am the inventor/applicant in the above entitled application.
2. Despite having set aside my consulting practice a fourth time in early January to make another sustained effort to perfect an amended brief to a second Notification Of Noncompliant Appeal Brief, mailed 7/16/2007, I did not succeed in finishing it by 1/16/2008, the last date for a response with a fifth month of extension. The fundamental issue was that as a PRO-SE, I did not understand the reasons for the examiner's objections, and the examiner was unwilling or unable to explicate them. A secondary issue has been what is in retrospect an apparent red herring related to technical abandonment of the application due to not having initially filing the required appeal brief fee. As a result, I have had to spend a great deal of time (est. > 150 hrs, just since Friday >34 hrs) attempting to understand things about the appeals process and abandonment that are in many cases unclear even to those with much more experience. As a PRO-SE, I must fit this work in part-time during the running of a business, keeping 60 hours per week as a reasonable work load.

The issue of unintentional abandonment came up as the 1-month reply date came up on 8/16/2007. There was concern expressed that no more extensions were available and so the patent would go abandoned. Then the issue was raised regarding existing abandonment for late payment of the appeal brief fee. Both of these issues are now thought to be moot, but I would ask they be reviewed for this petition. (See attached confirmation fax sent to Brian Johnson on 8/21/2007 (as noted in a confirmation fax to his presumed fax extension, 571-273-3595, and cc'd to K. Fries at 571-273-7757) Note that I did not receive a reply to these faxes, however.

By 1/14/2008, I believed I had demonstrated to my own satisfaction that boxes 1, 4 and 5 of the second Notification had been incorrectly checked by the examiner and had corrected 6 to the best of my ability, but was still not understanding 8 in light of examiner's somewhat obscure explanatory remark "The Statements in 37 CFR 1.131 and 1.132 did not contain any truthful statement(s) from those whose skilled in the art.", as these were not statements, but documents. I was also operating under the impression that the application may already have been technically abandoned for non-payment of the appeal brief fee and so was expecting a 1/19/2008 date (with holidays, 1/22/2008) for timely submission of an amended brief with petition to revive within one year from

abandonment. I was unable to reach the examiner via multiple phone call attempts and at least one voice mail from 1/14-15, plus a voice mail to his SPE on the 16<sup>th</sup> and a fax to both on the 17<sup>th</sup>, but I ultimately did reach the examiner's SPE, Ms. Shah, on the 17<sup>th</sup>, who agreed that Box 1 was likely incorrectly checked and directed me to a Mr. Nolan who indicated that to the point of the 16<sup>th</sup> the patent was not abandoned for failure to pay the fee ("only the examiner can abandon"), but since it was past time the maximum time for response it would now be abandoned, but offered an expectation that it could be recovered by filing a Petition to Revive After Unintentional Abandonment.

I kept working on the Brief and completed an appeal brief fax just after midnight on January 22<sup>nd</sup>-23<sup>rd</sup>, 2008, but still without a correction for items 8/10 of Form 462.

I finally reached the Examiner on the 23<sup>rd</sup> and asked again about items 8 and 10 and the significance of "truthful statements" (this phrase does not appear in the MPEP or in Google searches in conjunction with 37 CFR 1.131/2) and he indicated that although he signed the Notification, it was done with the advice of someone in AU2128, whose name he couldn't divulge at that moment. I noted this in a miscellaneous letter uploaded via private PAIR, but still did not understand the issue with boxes 8/10. I replied to one person regarding another incorrect abandonment date on the 24<sup>th</sup>. I left voice mails for several persons in the PTO that were not returned. I continued to attempt to locate counsel that would consult on a pro-se appeal but without luck. At the end of January I had to stop to work on the appeal to file certain corporate tax-related documents and then had to show progress on a project that was deferred because of the patent work.

Finally I was able to reach Mr. Fries February 15<sup>th</sup>, 2008, in OPLA and he explained that the issue was that the Evidence Appendix is only available for materials having been previously "entered" by the Examiner. This was unclear on at least two points because for Appendix I2 the information had been "placed in the application but not considered", which is not at all clear to a pro-se is the same as "not being entered by the examiner". I have worked through this weekend for an additional 34 hours to put the appeal brief in what I believe to be an acceptable condition.


Although this recitation may seem somewhat cogent now and the issues obvious in retrospect, it is the result of accumulated knowledge over the last several months plus considerable after-the-fact reflection and during the process choices seemed constrained by conflicting opinions regarding abandonment status from the IAC, Petitions, the OPLA, the QAS and SpPrE for AU2100. At the time and especially on the 16<sup>th</sup>, extreme fatigue likely contributed to an inability to understand the choices and the wording of the relevant MPEP sections (for example under 1205.01 "A brief must be filed to preserve appellant's right to the appealed claims..." was incorrectly read in conjunction with Special Circumstances of Abandonment such that a withdrawal of Appeal by filing an RCE without claims allowed would seem to result in express abandonment).

I still expect to pay an additional fee equivalent to 5 months extension and will open a deposit account as soon as possible and file a supplementary letter when it is open.

3. The entire delay from 7/16/2007 to 2/19/2008 was unintentional.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor



Printed Name of Inventor

Christian S. Rode

Date

2/19/2008

Sincerely,

Christian S. Rode  
Applicant, PRO-SE 09/287,478  
Rode Consulting, Inc.  
Waltham, MA 02451

COPY OF CONFIRMING FAX SENT TO BRIAN JOHNSON, et al ON 8/21/2007

Brian Johnson  
Quality Assurance Specialist – AU 2100  
Office of Patent Legal Administration  
United States Patent and Trademark Office  
Washington, D.C. 20231  
8/21/2007

Dear Mr. Johnson:

Thank you for your call today. My understanding is that you desired to communicate two key points: first, that with respect to at least appeal proceedings, the response clock does “restart” with each notice where a “EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136”; i.e., there is no cumulative limit as appeals are not governed by statute. Secondly, that the patent was in fact abandoned after Jan 19, 2007 for non-payment of the appeal brief fee even though the brief with extension fee sans brief fee were filed together on Dec. 20, 2006, allowing the office nearly a full month to communicate the fact the fee was missing.

As discussed, around February 13, 2007, a first Notice of Non-Compliant Appeal Brief due to the missing fee and also a missing signature, which I received a few days afterwards. At that time, or not long after, I contacted the examiner, Ms. Hood (Appeal Center Specialist), the IAC and the appeals office specifically asking about the missing fee and abandonment or other consequences and was told all I had to do was comply with the notice. Being PRO-SE, I complied by filing a timely response within the 30 day limit.

After receiving the examiner's (second) Notification of Non-Compliant Appeal Brief, I noted boxes 4 and 5 were checked on Form 462, and upon reading the section in the MPEP became convinced that these sections did not apply to self-represented individuals, which led me to suspect that because appeals are a much less common occurrence, subtle appeal issues might escape the examiner's notice, and so I contacted the USPTO's Legal department as to whether an extension was possible or whether there was some kind of 1 year end-to-end statutory limit with respect to getting an appeal brief accepted (August 19, 2007 this past weekend would have been that anniversary). I spoke to Mr. Kery Fries who assured me that an extension was possible, however he was concerned about abandonment from not having timely paid the appeal brief fee.

So, I am happy to hear there is now agreement on the status of the application, even if unfortunately the end result is abandonment and I hope I have done nothing to prejudice a petition for revival from abandonment. The main question I have is how, exactly, should I recover from this situation? Mr. Fries and yourself are of the opinion that after successful petition, the appeal will be reinstated, however, according to page 1200-12 of the MPEP, “FAILURE TO TIMELY FILE AN APPEAL BRIEF” under 37 CFR

41.37(a/b), untimely filing includes the case of a missing fee, and the appeal stands dismissed. Elsewhere there are statements to the effect that the appeal can be revived without payment of any additional fee, except where the brief fee increased in the intervening time. Also, I am now more than 30 days from the second notice of non-compliant appeal brief. How will petition and eventual reinstatement affect the calculation of that time and fee? I believe you proposed I file the amended brief together with the petition for reinstatement from abandonment – presumably the slate would be wiped clean at that point and the appeal process begins again? Any reasonable delay due to further reworking the brief is not an “intentional delay” for the purposes of this petition?

Also, as I mentioned, the second notice itself contained no information about the specifics of what is wrong with the brief (although thank you for clarifying the issue with Form 462, item 6). I have only a slight hope the examiner will continue to work with me once the case is officially abandoned – is there somewhere a model appeal brief I can use as a template? Perhaps used in the training of patent attorneys by the USPTO?

Thank you very much for your time and best regards,  
Chris Rode  
Rode Consulting, Inc.  
Applicant, PRO-SE 09/287,478

PS I still intend to work to bring the “concise explanation of subject matter” up to scratch, even if not strictly required of a pro-se. I have provided an informal background in these sections and my latest understanding is that references to the specification are important. With regards to my case, there is both a regular specifications section and a lengthy source code appendix. Since the reference may be to an appendix, is it appropriate to include a copy of the cited appendix code?

A last issue has to do with admissibility of evidence under 37 CFR 1.132. Before final I had filed an IDS in response to an examiner’s citation of prior art without the necessary statement that this was relevant information, newly discovered. Since I did not attempt to correct this until after final, the examiner is asking for a fee, which I don’t know would fix the admissibility of an IDS in any event. However, it should be admissible as evidence under the MPEP since technical documentation from the manufacturer, Xilinx, refutes its suitability as prior art AND Xilinx had been a customer for the present invention, together *prima facie* evidence of commercial acquiescence and nonobviousness with respect to the citation!



Statement by Inventor/Applicant Christian S. Rode  
Application Number: 09/287,478  
Filed: 4/6/1999  
Inventor Docket: RCI001V1

Date of this letter: 02/17/2008

STATEMENT UNDER 37 CFR 1.97(c)  
For Information Disclosure Statement Filed 10/19/2005

"No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement." The internet searches that located this material were performed from 9/22/2005 through 10/19/2005, the date of the filing of the IDS.

The IDS has been incorporated into the file wrapper but not entered by the examiner "for non-payment of fee". However, as part of the duty to continuously disclose and in direct response to the examiner's citation of Lawman as prior art and the IDS was filed within three months of discovery of this material so no fee is due under MPEP 609.04(b)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor

Printed Name of Inventor

Christian S. Rode

Date

2/17/2008

Pursuant to MPEP 1206 II(B) and 37 CFR 41.31(a) appellant requests that the previously submitted IDS be entered pre-appeal brief for the following reasons.

- 1) The original IDS was timely filed and in response to the examiner's citation of the Lawman ('672) patent.
- 2) It is relevant because the documentation from Xilinx's own website demonstrates a limitation overcome by the present invention
- 3) It is relevant because Xilinx was an indirect client (via ChipCenter, LLC) for the present invention.



4) The continual request for payment of a fee was a red herring for myself as PRO-SE. I kept explaining that since it was newly discovered no fee was due. The correct response from the examiner should have been that no fee was do but "Either a fee is due OR a statement under 37 CFR 1.97(e) that the information was discovered no earlier than three months prior to the filing of the statement".

5) During an earlier conversation (not memorialized), Examiner agreed it was appropriate.

Signature of Inventor

CSR

Printed Name of Inventor

Christian S. Rode

Date

2/11/2008



United States Patent and Trademark Office  
Washington, D.C. 20231

2/16/2008

Dear Mr. Phan:

Please find attached an Amended Appeal Brief for Application No. 09/287,478 in response to a Notification of Non-Compliant Appeal Brief (37 CFR 41.37) with an official mailing date of 7/16/2007.

As there were no specific details provided with the notice or for some of the items even after subsequent communications, I have had to guess at some of the issues and so appealed items 1, 4, 5, and 6. I have used the appeal briefs for applications 10/796,051 (Lim, et al) and 09/940,577 (Soininen, et al) as templates, keeping in mind that as PRO-SE, I must only substantially comply with each section.

Also, please note the filing of a 37 CFR 1.97(e) statement for the IDS of 10/19/2005 together with a MPEP 1206 II (B) / 37 CFR 41.31(a) request, which I hope you will enter as it is highly material and should address all concerns with respect to Lawman and therefore proceed to allowability.

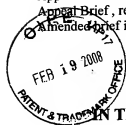
The response to your notice has taken a great deal of time due to

- 1) Ongoing difficulties researching objections to the previously amended Appeal Brief.
- 2) Unfamiliarity with respect to the detailed requirements of Appeals, the MPEP and the case law.
- 3) Other corporate obligations – PRO-SE patent work is a part-time obligation for Rode Consulting, Inc., my company.
- 4) Inconsistencies in the opinions of those consulted within the USPTO regarding the standing of this case and appropriate next action.

I trust these difficulties will weight in consideration of the delay in responding.

Thank you,

Chris Rode  
Appellant PRO SE 09/287,478  
Rode Consulting, Inc.  
6209 Stearns Hill Rd.  
Waltham, MA 02451  
781-899-4322



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant Name : Christian S. Rode  
Application. No. : 09 / 287,478 Confirmation No. 6350  
Applicant Docket No. : RCI001v1  
Filed : April 6, 1999  
Provisional Appl. Filed : 60/080,905, 4/06/98  
Title: : Apparatus For Evaluating And Demonstrating  
Electronic Circuits And Components  
Examiner : Thai Phan  
TC./A.U. : 2128

M/S Appeal Brief - Patents

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

**AMENDED APPEAL BRIEF**

(Revised 2/18/2008)

Dear Sir or Madam:

In response to a Notice of Panel Decision from Pre-Appeal Brief Review with mailing date 7/19/2006, and subsequent Notifications of Non-compliant Appeal Brief, please accept the following amended Appeal Brief.

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**A. Real party in interest.**

All rights to and interest in this patent have been assigned to Rode Consulting, Inc., a Massachusetts Corporation, Federal Tax ID 04-3333085.

**B. Related appeals and interferences.**

The Appellant is aware of no other pending appeals and interferences regarding this application.

**C. Status of claims.**

Claims 1-16 are pending and rejected.

**D. Status of amendments.**

No claims have been amended (or added) since Final Rejection.

**E. Summary of claimed subject matter.**Overview

Applicant claims a system for simulating electronic circuits and components by means of an intrinsically stateless, file-oriented protocol such as HTTP, in conjunction with at least one element of HTTP-communicated state, a synthetic Unique Identifier. Applicant discloses specific methods to make practical the **public use** of such a system by **unregistered persons** by means of the automatic assignment of said Unique Identifier and methods that make use of the identifier to regulate use of resources. Further claimed are methods that use this Identifier to index and manage temporary files, which may be used, for example, to feed results from a circuit synthesis step forward to simulation/verification. Also claimed are various methods to regulate and log (etc.) use of resources, such as limiting total number of simulations (count or time) or lowering the process priority of said simulations.

Claim 1

Independent claim 1 recites a Client-Server method for simulation over a Network by means of a Stateless Communications Protocol, such as HTTP (page 3, paragraph 4 (“A Browser is a Client Program...”). The system is a (multiple) client-(multiple) server system connected by a computer network, especially the public Internet (Fig. 1-3C, part 200) The method consists of a user visiting a web site and, in addition to the Client retrieving a web page, receives a token, a “Unique Identifier” (page 6, paragraph 2, (“Some of these differences...”)); page 8, paragraph 3 (“In generating a Unique ID...”); microfiche source code appendix, pages 19, 20, 25-26 “websi/getsessionid.pl”), that uniquely identifies the user to the server simulation system and which may be used to manage server resources or for access control.

To initiate a simulation, a Client first displays a Form, which is transmitted from the Server as Form Creation Data (e.g., HTML <FORM> and associated tags) (Fig.

4B/C; page 8, paragraph 4, (“After the ID has been generated”). A user enters data into the Client Form and then submits it to the Server, together with the previously received Unique Identifier (Fig. 4E; page 8, paragraph 5 (“In Fig. 4C,...”)). This Form data is received by the Server and merged with other data and simulated to produce output data compatible with Client display (e.g., web browser) instructions. (page 8-9, paragraph 5, “a) The Unique ID is retrieved and checked...”; microfiche pages 21-24 (“get”), 63-4 (“websi/simulate”), 78,79,80,81, 65-7 (“websi/simulatecore.pl”). These display instructions are then transmitted to the Client.

#### Claim 2

Dependent claim 2 clarifies a feature of the method in claim 1, which is that repeated simulations may be performed using the same Unique Identifier. This is important where the Unique Identifier is restrict use of resources.

#### Claim 3

Dependent claim 3 restricts the method of claim 2 to graphical data (Figs. 4F, 4H, 4J).

#### Claim 4

Dependent claim 4 clarifies that the Unique Identifier of claim 1 may be used to keep user data separate (page 4, paragraph1; page 6, paragraph 3)

#### Claim 5

Dependent claim 5 narrows claim 4 by specifying that user data is kept in temporary server files (page 7, line 4 (“Processing merged data...”); page 9, lines 4 (“A check is run...”)) thru 9 (“...maximum Browser compatibility.”)).

#### Claim 6

Dependent claim 6 extends claim 1 by specifying that the Unique Identifier be verifiable, i.e, such that a forged identifier is detectable (page 4, paragraph 2).

Claim 7

Dependent claim 7 recites an extension to the method of claim 1 with additional steps occurring before Client Form data is processed for simulation (step 1e) (Figs. 6A-D). The added steps comprise: a) looking up simulation usage associated with the Unique Identifier in a database (microfiche source code appendix page 21 (“websi/get”), line 23-24 (“...`grep...`”), timestamp embedded in Unique Identifier); b) creating a new record if no existing record found (microfiche source code appendix page 34 (“websi/newsessionid.pl”), line 32 (“open(SESSIONIDFILE,”>>sessionids”);”) thru page 35, line 10 (“close(“SESSIONIDFILE”);”) ); c) deleting the record if the timestamp has expired (microfiche source code appendix, page 20 (“websi/expired.pl”) and backing up to step b); d) not simulating if too many simulations have been run within an interval of time; e) updating simulation usage in the database (microfiche source code appendix page 34 (“websi/newsessionid.pl”), line 32 (“open(SESSIONIDFILE,”>>sessionids”);”) thru page 35, line 10 (“close(“SESSIONIDFILE”);”) ) (page 10, paragraphs 1 (“In Fig. 6A through 6F...” thru 3 (“...checking synthesis accuracy and practicality”)).

Claim 8

Dependent claim 8 extends the method of claim 7 by using the simulation usage to lower the process priority. (e.g. Unix “nice”).

Claim 9

Dependent claim 9 recites an extension to the method of claim 1 with additional steps occurring before Form Creation Data is sent to the Client (step 1b). The added steps comprise: aa) transmitting Circuit Synthesis Form Creation Data to the Client (Fig 6A-C); ab) accepting Circuit Synthesis Form Data from said Client (microfiche source appendix, page 12 (“active/calculate”); ac) using the submitted Circuit Synthesis Form Data to synthesize a circuit, where the circuit and other data are kept on the Server and indexed by the Unique Identifier (microfiche source appendix page 1 line 1 thru page 3 line 19 (“active/CalculateFilter.java”)); ad) creating Form Structure Data of a type



compatible with claim 1, step b (Fig. 6D, microfiche source appendix page 3 line 20 thru page 8 line 5 (“active/CalculateFilter.java”)).

#### Claim 10

Independent claim 10 recites a Client-Server method for simulation over a Network by means of a Stateless Communications Protocol, such as HTTP (page 3, paragraph 4 (“A Browser is a Client Program...”). The system is a (multiple) client-(multiple) server system connected by a computer network, especially the public Internet (Fig. 1-3C, part 200) The method consists of a user visiting a web site and, in addition to the Client retrieving a web page, is sent a token, a “Unique Identifier” (page 6, paragraph 2, (“Some of these differences...”)); page 8, paragraph 3 (“In generating a Unique ID...”); microfiche source code appendix, pages 19, 20, 25-26 “getsessionid.pl”), that uniquely identifies the user to the server simulation system.

Form Creation Data (e.g., HTML <FORM> and associated tags) is transmitted to the Client (Fig. 4B/C; page 8, paragraph 4, (“After the ID has been generated”)), and User Form Data entered into the form is submitted to a Server, (Fig. 4E; page 8, paragraph 5 (“In Fig. 4C,...”). This Form data is received by the Server and merged with other data and simulated to produce graphical output data compatible with Client display (e.g., web browser) instructions. (page 8-9, paragraph 5, “a) The Unique ID is retrieved and checked...”; microfiche pages 21-24 (“get”), 63-4 (“simulate”), 78,79,80,81, 65-7 (“simulatecore.pl”). This graphical output data, together with other optional data, are then transmitted to the Client.

#### Claim 11

Dependent claim 11 extends claim 1 by associating the Unique Identifier to at least one of the server privileges of a) model/circuit access; b1) simulation priority; b2) maximum simulation time; c) quality of simulation; d1) maximum size of simulation; d2) persistence of design and simulation data.

PROPOSED CLAIM AMENDMENT

“The method of Claim 1, wherein said assigned Unique Identifier is associated with superior or inferior privileges, said privileges comprising at least one of: a) access to models, circuits and like data; b1) simulation priority; b2) maximum simulation time; c) simulation quality and accuracy; d1) maximum simulation size; d2) persistence of design, simulation and other user data.”

#### Claim 12

Dependent claim 12 extends claim 14 by saving the Unique Identifier in the Client browser by means of a “Cookie” (page 17, lines 7-11 (“get\_cookie”) thru page 18, line 12; page 19 (“websi/cookielogin.pl”); page 25, lines 12-26).

#### Claim 13

Dependent claim 13 explicates the “tracking server usage” purpose of claim 1, step a). (page 4, paragraph 6; page 5, paragraph 1 (“The goal was to design...”); page 6, paragraph 3).

#### Claim 14

Dependent claim 14 extends the method of claim 1 by requiring a qualification step before the Unique Identifier is transmitted from the Server to the Client. As implemented in the preferred embodiment, this is similar to a conventional “login” (Fig. 4A; page 8, paragraph 4, (“In generating a Unique ID...”))

#### Claim 15

Independent claim 15 recites a Client-Server method for simulation over a Network by means of a Stateless Communications Protocol, such as HTTP (page 3, paragraph 4 (“A Browser is a Client Program...”). The system is a (multiple) client-(multiple) server system connected by a computer network, especially the public Internet (Fig. 1-3C, part 200) The method consists of a user visiting a web site and, in addition to the Client retrieving a web page, receives a token, a “Unique Identifier” (page 6, paragraph 2, (“Some of these differences...”),); page 8, paragraph 3 (“In generating a Unique ID...”);

microfiche source code appendix, pages 19, 20, 25-26 “getsessionid.pl”), that uniquely identifies the user to the server simulation system and which may be used to manage server resources or for access control.

To initiate a simulation, a Client first displays a Form, which is transmitted from the Server as Form Creation Data (e.g., HTML <FORM> and associated tags) (Fig. 4B/C; page 8, paragraph 4, (“After the ID has been generated”)). A user enters data into the Client Form and then submits it to the Server, together with the previously received Unique Identifier (Fig. 4E; page 8, paragraph 5 (“In Fig. 4C,...”)). This Form data is received by the Server and merged with other data and simulated to produce output data compatible with Client display (e.g., web browser) instructions. (page 8-9, paragraph 5, “a) The Unique ID is retrieved and checked...”; microfiche pages 21-24 (“websi/get”), 63-4 (“simulate”), 78,79,80,81, 65-7 (“websi/simulatecore.pl”)). During the process, the Unique Identifier permits any previous simulations and processes submitted from the same Client to be identified and terminated (page 9, paragraph 2 (“c) A check is run...”); microfiche appendix page 65, lines 23 (“# Check to see...”) thru 40). The output data is then transmitted to the Client.

(Essentially similar to Claim 1, except for additional step f), which is executed in parallel with step e)

#### Claim 16

Dependent claim 16 extends the method of claim 1 by allowing some or all of steps c-f to be instantiated as multiple processes from the same Client, which are reduced to a single method by aborting all but the most recently submitted process (page 9, paragraph 2 (“c) A check is run...”); microfiche appendix page 65, lines 23 (“# Check to see...”) thru 40).

Informal explanatory comments

At this late date it is useful to summarize the state of the industry at time of reduction to practice (Mar-July 1997) and to state clearly what is **not** being claimed. In point of fact, the present claims represent a considerable refinement of the originals, so as to restrict their scope to essentially HTTP and similar stateless protocols.

Client-server simulation predates the advent of the WWW and the Applicant has personally used such systems (via X11) in the development of integrated circuits. The present application scrupulously avoids any general claims to client-server simulation over the internet. It is possible, for example, to reproduce traditional client-server behavior using a Java applet running TCP from within a web page (see discussion of Lawman Xilinx patent below), but that is using a completely different mechanism than HTTP, and so does not relate to the claims under appeal.

Within the WWW technology field, there were historically two fundamental modes of HTTP access: 1) static file retrieval (e.g., .HTML, .JPG, .GIF, etc. files), and 2) interactive results from a CGI (Common Gateway Interface) form submission. At the time of reduction to practice of the present invention (1Q 1997), CGI was fairly new, having been conceived only in 1993, with the widely implemented 1.1 draft standard released only in October of 1995 (see <http://www.w3.org/CGI/>). It was fully appreciated from the start that the CGI mechanism could execute almost any batch-oriented task or group of tasks on a web server, and return results therefrom. This would include results from a simulation or other CAD/CAE-related tasks.

It is also possible, by means of hidden form data, or URL extensions (PATH-INFO), or "cookies" to transmit state between Browser and Web Server, which was a relatively new art at the time of reduction to practice of the present Invention and one that to the Appellant's belief had not to that point been used to regulate Server resource use (it had been used for multipage forms and to keep track of shopping cart contents, for example).

Web technology and CAD technology were then widely separated arts, and coupled with a widespread under-appreciation for just how fast computers had become relative to certain kinds of simulations; these factors set the stage for the present invention.

Applicant has studiously avoided claiming the idea of interactive SPICE simulation using a Browser via basic CGI, on the belief that such a claim would be considered obvious (see above regarding CGI and batch tasks - although in light of Transim patents 6,530,065 and 6,832,182 this idea may merit further consideration). What is being claimed, are methods that make **public** access to simulation practical.

Simulations typically take a significant amount of computer resources to execute, and so it is desirable to limit either the overuse or outright abuse of these resources so as to keep them available to all. With respect to overuse, the addition of a Unique Identifier to the stateless HTTP protocol allows the server to track usage to a particular client and thereby limit it, in the preferred embodiment, by a simple count of simulations. The most basic problem with basic CGI-initiated simulation is an ability to click on a form submit button multiple times in quick succession and thereby fire off multiple simulations, potentially slowing the server to a crawl. By use of a Unique Identifier it is possible to abort all but the most recently submitted process, thereby eliminating this problem as a source of abuse.

Applicant has made significant disclosures that enable the simulation of preconfigured but user-modifiable circuits over the internet, by unregistered persons. Applicant was also the first to link circuit synthesis to verification-by-simulation using a browser, to the best of his present knowledge.

**F. Grounds of rejection to be reviewed on appeal.**

1. Notification of Non-Compliant Appeal Brief, mailed 7/16/2007, Form PTOL-462, item 1.
2. Notification of Non-Compliant Appeal Brief, mailed 7/16/2007, Form PTOL-462, items 4 and 5.
3. Notification of Non-Compliant Appeal Brief, mailed 7/16/2007, Form PTOL-462, item 6.
4. Non-entry of Information Disclosure Statement and associated NPL documents dated 10/19/2005 before final rejection and resubmitted under 37 CFR 1.132 in appeal brief appendix with appropriate declaration.
5. General arguments against non-obviousness have not received a reply. (Claims 1-16, collectively)
6. Arguments have been “rendered mooted in view of the new grounds of rejection”, even though new grounds in fact moot neither general arguments nor specific rebuttal to arguments reused in the new rejection(s) (Claims 1-16, collectively)

In the November 14, 2005 Final Office Action, claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Huben et al, US patent no. 5,950,201 in views of Lawman et al, US patent no 6,324,672 B1 and Kahn et al, US patent no 6,574,628 B1. Therefore the main ground of rejection of the to be reviewed on appeal is

7. Whether claims 1-16 are obvious in view of Van Huben et al (‘201), Lawman (‘672), and Kahn et al (‘628).

- a) Claim 1
- b) Claim 2
- c) Claim 3
- d) Claims 4, 5 and 6
- e) Claim 7 and 8
- f) Claim 9

- g) Claim 10
- h) Claim 11
- i) Claim 12
- j) Claim 13
- k) Claim 14
- l) Claim 15
- m) Claim 16

**G. Arguments.**

Ground 1.

37 CFR 41.37 states:

*(c)(1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section:*

(See also 12.173 and 12.174 in 1205.03, 12.153 and 12.154 in 1205.02)

With respect to item (c)(1)(i), all required sections are present and so titled, with the possible exception of a table of contents, which appears to be optional (indeed, is missing from the successful appeal of 10/796,051, April 3, 2006). I believe an explanation is normally given in support of each of the checked boxes, so as to allow the applicant to precisely identify the problem(s) and correct it(them). I have been unable to elicit from the examiner what the exact defect is, and on contacting his SPE, Ms. Shah agreed that the structure seemed to comply substantially. It is possible this box was checked because of single-spaced formatting, now corrected. If some defect remains, Appellant requests that he be given an opportunity to correct it, rather than dismissing this Appeal.

Ground 2.

The same paragraph quoted in Ground 1 above, states that an appellant not represented by a registered practitioner need not substantially comply with 37 CFR 41.37 (c)(1)(v) and (c)(1)(vi). These sections correspond to boxes 4 and 5 of Form PTOL-462 and therefore would seem should not be checked for a PRO-SE. Appellant requests that these items be struck.



Ground 3.

Arguments in the amended Appeal Brief of 3/15/2007 relative to 37 CFR 41.37(vii) may already have substantially complied for a non-registered-practitioner. It has been difficult to identify the relevant MPEP sections and case-law for each argument in favor of non-obviousness as a PRO-SE and the Appellant is still working to improve these sections. General arguments against non-obviousness have typically been capitalized. My understanding is that this meets the burden of "substantial compliance" for self-represented persons.

Ground 4.

Ground 4 concerns evidence presented in rebuttal of examiner's citation of Lawman (6,324,672) as prior art. This evidence was originally submitted as an IDS on October 19<sup>th</sup> 2005 after Appellant's response of Sep. 22<sup>nd</sup>, 2005, but before Examiner's Final Office Action of Dec. 14, 2005, as an IDS pursuant to 609.04(b)(2) – an information disclosure filed within an RCE but before final but without a 37 CFR 1.97(e) statement that the information only became known to the Applicant 3 months prior to the filing. Applicant only went searching for this information during the writing of his response to the examiner's citation.

Applicant repeatedly communicated (verbally, unfortunately) to examiner that the IDS had been filed within 3 months of discovery (9/22/2005 vs. filing on 10/19/2005) and so no fee was due (609.04(b)(2)), but examiner insisted a fee was due for such a filing. Applicant was unaware of the missing 37 CFR 1.97(e) statement and examiner never communicated this, insisting in his Final Action (and informal calls) that the IDS was rejected due to nonpayment of a fee.

"The information disclosure statement filed 10/19/2005 fails to comply with 37 CFR 1.97(c) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered."

Office Action of 12/14/2005, pg. 2

Although Applicant was unaware of what this meant at the time, these rules appear to apply to a post-Final IDS necessitating new grounds of rejection, when the submission was nearly two months prior to Final and within one month of an interview with the examiner (9/21/2005), essentially contemporaneous with the filing of that summary and so before any action could have been taken by the examiner. That is, it is impossible for the IDS submitted 10/19/2005 to have been a post-Final IDS. Objectively, the Examiner was correct not to enter the IDS, but not for the grounds given, which is misleading for a pro-se, who will naturally defer to the examiner during their first pro-se application prosecution. After the Final office action was received and since more than three months had passed, applicant came to believe that only a appeal would compel the examiner to consider the IDS, and so included it in the evidentiary appendix under 37 CFR 1.132 as evidence in direct response to Examiner's citation of the prior art. Applicant has now also included a 37 CFR 1.97(e) statement, which, in addition to the already-filed 1.132 statement that appeared in the evidence appendix (Appendix I2) of the briefs (including that of March 15, 2007), should compel entry by examiner under 37 CFR 41.33/1.

An additional element may be use of the word "considered" instead of "entered", as any difference or similarity would not be appreciated by a pro-se during a first prosecution. Applicant is still not certain as to what the difference may be, but because the information had been "placed in the application file" and available in the wrapper, applicant assumed it could be referred to in the appeal brief(s). Disentangling incorrect or misleading legal reasoning presents an unreasonable burden to a pro-se. The reasons the IDS should be entered now is that 1) the reasoning given for rejection of the IDS was not correct, 2) it did not need to be an IDS at all since it was plainly evidence traversing a rejection and the examiner had been so advised during a preceding interview (and so should have been either entered or noted to Applicant), and 3) admitting the evidence contained therein will remove Lawman from the cause of rejection and so permit allowance of all claims.

The importance of the issue is that Xilinx's own technical support documentation states that their invention will not work through corporate firewalls, as it requires socket communication (TCP/IP) through a firewall, instead of using the HTTP proxy functionality (see IDS submission of 10/19/2007, first item "LogicCORE PCI – Error: "XPCICORE Generator Server transaction failed, Failure-cause:1097...", Solution 1, "... 1. Verify with your system administrator that the firewall does not block socket connections.""). HTTP, while a layer built on top of TCP/IP, works in a fundamentally different way. Java applets have the ability to communicate with their server, either using TCP/IP or by HTTP. The applicant has conceded that TCP/IP-based internet CAD tools were a known prior art, and has been at pains to explain what is novel, useful and non-obvious about the present invention relative to that art.

Regarding these web citations, I have recently had made Attested True Copies by a third party of at least one document still available today on Xilinx's site. Others, despite an 8 year presence on the Xilinx site, have been recently removed and contact with Xilinx's webmaster indicates they may not be retrievable, an argument I find dubious. I maintain copies of all PDFs as downloaded and can produce Attested True copies (attested by me) if needed. I continue to look for paper or other copies from an independent source.

In summary, the admission of evidence v. Lawman ('672) is important for these reasons:

- 1) It demonstrates that the Lawman invention requires a TCP/IP socket even when invoked by a web browser and so forms a continuum with the prior art that the present invention was designed to supersede. In particular, connectivity via a web proxy server is not possible.
- 2) It intrinsically supports non-obviousness as an example of "Failure of Others" to overcome a problem, in this case, that of proxy-server compatibility.
- 3) Xilinx was an indirect customer of Rode Consulting, Inc (party in interest). for the technology disclosed in the present invention. They were the sponsor of a site on ChipCenter, LLC, that made use of the

invention, demonstrating Commercial Success.

Ground 5.

General arguments against non-obviousness have not been addressed a reply. From 35 USC 103(a):

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

From the first Reply/Amendment, Applicant has made secondary arguments against non-obviousness, without response. This is important because at the first interview, the Examiner's Supervisor conceded that, taken as a whole, there was likely patentable subject matter (see Applicant's Interview Summary of 11/24/04) and suggested merging some of the dependent claims into Claim 1 (and, by extension, the other independent claims) which was done, but apparently not as many as the Examiner would find allowable. Per MPEP 707j, if there is patentable subject matter, the Examiner should draft claims for the PRO-SE Applicant and this has not occurred.

5(a) The present application and Long-felt need

To the best of Applicant's belief, at the time of reduction to practice (March-July 1997) there were no web-based CAD/CAE tools designed for uncontrolled public simulation of circuits by means of HTTP and the WWW. The utility for remote circuit/component demonstration and education are inherently obvious and long-felt. There would not be any similar public systems available for about 3 years. Even at the time of the first office action, Applicant was unaware of any system that directly couples circuit synthesis (e.g., Active Filter synthesis in the present invention) to subsequent verification by SPICE simulation. This latter application met with significant Commercial Success through

license via EDTN/ChipCenter until the latter closed its doors, years before a rival technology supported by National Semiconductor appeared.

5(b) Unsuggested Modification and Combination Unsuggested

The introduction of state for a HTTP-CGI-based simulation was unsuggested at the time and its advantages unappreciated. HTTP state is not necessary to perform basic simulation via a browser – the standard CGI mechanism suffices. The unappreciated advantage of HTTP state as it applies to web-based simulation is in the regulation of resource use so that no individual can swamp the server. In the Applicant's view, this produced the New and Surprising Result that simulation on the latest PCs was fast enough to be interactive, and contradicted the then widely held belief that web browsers could not practically support serious client-server CAD applications.

Among the disclosed references, please consider Lorenz, P. and Schriber, T., "Towards a Web-Based Simulation Environment", Proc. of the 1997 Winter Simulation Conference, Dec. 7-10, 1997), pg 1341 and Regnier and Wilamowski, "SPICE Simulation and Analysis through Internet and Intranet Networks", IEEE Circuits and Devices Mag., May, 1998. Note that both of these references **post**-date the reduction to practice of the present invention, and in the case of Regnier, the present application's provisional filing date also. In other words, not only was public simulation interesting over the internet, but **any** complex (SPICE) simulation.

The former reference (Lorenz, et al) is a fair summary of the state of the art as of Dec. 1997, and the mere fact that an expert in the field at that time would still title a conference paper "***Towards a Web-Based Simulation Environment***", with the implication that such an environment is yet to arrive, augurs in favor of the non-obviousness of the disclosed methods at the time of their creation.

The latter reference (Regnier, et al) indicates that the subject of SPICE simulation on the Web was still novel enough in 1998 as to be worthy of scholarship. It should be noted

that SPI, although still used today, to the Applicant's knowledge never met with commercial success, presumably because it required a login step.

5(c) Commercial Acquiescence / Failure of Others

In his Office Action of 2005/4/11, the Examiner cited Lawman, et al (6,324,672), which is an outstanding argument in favor of non-obviousness as Xilinx was the sponsor of the ChipCenter site during its initial run. In fact Xilinx's XPCI demonstrates precisely those limitations of the prior art that the present invention was designed to obviate. That Xilinx became a customer, even if indirectly, should mitigate in favor of allowability. (See Additional response to Office communication regarding 09/287,478, mailed 9/26/2005 and attached screenshots). Lawman is clearly of more than average skill in the art.

It should also be noted that Regnier and Wilamowski apparently failed to ever commercialize their work.

Please refer to Lorenz, P. and Schriber, T., "Towards a Web-Based Simulation Environment", Proc. of the 1997 Winter Simulation Conference, Dec. 7-10, 1997), pg 1341 and Regnier and Wilamowski, "SPICE Simulation and Analysis through Internet and Intranet Networks", IEEE Circuits and Devices Mag., May, 1998.

The fact that as late as Dec. 1997 an expert in the field could still title a conference paper "*Towards a Web-Based Simulation Environment*", with the implication that such an environment has yet to arrive, should be taken as evidence of the non-obviousness of the methods disclosed in the timeframe of their creation.

5(d) Crowded Art and Long-felt need

The field of client-server CAD/CAE software is crowded and competitive and the electronics industry is one of the world's largest, yet none thought to implement a similar system. It must also be considered beyond dispute that salespersons, in this case for semiconductors, are always looking for a new way to demonstrate their product at low cost.

### 5(e) Different Combination

Even though client-server CAD systems have existed since at least the 1980's, and although the client-server connectivity of such systems necessarily involves state, such state is not inherent in browser-based client-server systems and always operates in a very different manner and at a application or user account levels, not at the lower network, transport, or session levels.

Many of the examiner's arguments appear left over from before the most recent refinement to the claims, where there is no mistaking the nature of state used to communicate the "Unique Identifier".

### Ground 6.

Applicant's response arguments have been repeatedly "rendered mooted in view of the new grounds of rejection", even though new grounds cannot moot either general arguments or specific rebuttal to arguments then reused in the new rejection(s) (Claims 1-16, collectively)

(Applicant assumes the Examiner uses the word "moot" in its common legal sense of "null and void", as opposed to "debatable", which was the original sense of the word).

Historically, this has been an issue with all van Huben references which when objected to have been "mooted" as "irrelevant due to new grounds of rejection". It in no way stands to reason that if a direct rejection of Claim N cites van Huben H1 and "other" citation O1, that a retread of this rejection recycle the **almost identical van Huben citation with the same language** except joined to a new citation O2, and possibly a third citation O3, moots the fundamental objection to van Huben H1 (examples of which above, in Section 1), such as relevance. See Office Actions of April and December 2005, and further in Section 5.

The most recent response to final then simply says all arguments have been “unpersuasive”. Consequently we ask that the Examiner be asked to respond in detail to our arguments of September 22, 2005 filed in a response to his Office Action of April 11, 2005. (Appendix I1)

## Ground 7

### **Claim 1**

**Note: Independent claims 1, 10 and 15 are similar and so the examiner’s rejections for those claims reuse the same arguments as for Claim 1. In the interest of clarity and brevity the arguments in common with Claim 1 are not repeated for 10 and 15.**

There are several example of Examiner’s citation of prior art which are obscure/irrelevant, in error or apparently misunderstood. This is not arguing against individual prior art citations, but that the citations cited by the Examiner do not teach what they purport to and consequently cannot sustain the argument of obviousness. There are several examples of apparently obscure, irrelevant and otherwise apparently erroneous citations of the prior art.

As regards Claim 1, for example, from the Final Office Action, page 2, last paragraph, through page 3, first paragraph:

*“As per claim 1, Van Huben (201) discloses a method and system for computerized design automation using inter-networking (e.g. World Wide Web) for transmitting design or simulation data over the network with feature limitations very similar to the claimed invention (Abstract, “Summary of the Invention”). According to Van Huben, the design*



*simulation and verification method includes steps of  
creating*

*- a transmission network including clients, servers,  
etc. to form a computing and simulation network  
wherein each network client would carry unique  
identifier such as addressing to client, account  
number, etc. (Col. 18, lines 20-25, col. 23, lines 17-  
49, as example)."*

OA 2005/12/02, pg 2-3.

Technically, the World Wide Web is the collection of hypertext-linked (HTML) files accessible by the stateless, file-oriented HTTP protocol, whereas the Internet is the more general collection of gateways and routers connecting local computer networks (using the most widespread definition of these terms), and accessible by a variety of higher level protocols built on top of IP (the Internet Protocol), of which HTTP is just one. This is an important distinction as most prior-art CAD programs have used protocols such as TCP with intrinsic session state. Thus they used the Internet but not the WWW. Compatibility with HTTP permits access to the disclosed methods by means of a web browser, behind a firewall / proxy server.

Moreover the specifics of the citation would appear to be erroneous. Claim 1, 10, 15 etc. disclose *automatic* server methods by which a token ("Unique Identifier") is created and transmitted to facilitate an interactive form-driven simulation process. Although an interactive mode for the retrieval of BOM information is disclosed by the citation, this is not "output data [as] functions of a simulation process" as disclosed in Claim 1e, and the reference to the DCS is to a person, not a server method (note use of "him" and "he" in following citation) and so cannot be construed equivalent functionality for a server method:

*"[Status on BOMs is and should be accessible in two ways.] The first is by automatic notification (e.g. e-mail) to the owner as soon as a BOM is invalidated. The second is by means of displaying the BOM either interactively or in report form. This listing shows the overall status of the BOM, and all members of the BOM with their individual status. "*

Citation 3.1a, OA 2005/12/02, pg 3, paragraph 1 (Lawson 5,950,201, col. 18 lines 19-25)

*"Authorities (Section 1.12)*

*The DCS permits the Data Manager to establish a wide variety of authorities which gives him great flexibility in managing the library. Each type of authority can be defined very loosely (the user is authorized for all design components, at all levels, in all versions) to very tightly (the user is authorized on an individual design component basis). The utility for granting authorities works in one of two modes:*

*In one mode the Data Manager is offered a screen in which he can fill in the design component name, type, level, version, user ids, and the type of authority. For any field, except for the user ids, he can default it to "ALL".*

*In the other mode an authority profile can be called up and executed. An authority profile allows the Data Manager to pre-define the types of authorities for a given type of job. For example, profiles may exist for Designer, Technical Leader, Model Builder, etc.. This information is contained in an editable ASC file in which the Data Manager defines the kinds of authority to varying degrees of restriction. Once the profiles are created, the Data Manager uses this mode to either add/delete users to/from the profile and process the changes within*

*the DCS.*

*Authorities exist for the following tasks:*

*Setting Locks (Move, Overlay, Update, ALL)*

*Promoting design components and/or BOMs into levels (Engineering Levels,  
Release  
Level.*

*Creating BOMs*

*Initiating Library Processes*

*Setting Pseudo Process Results"*

Citation 3.1b, OA 2005/12/02, pg 3, paragraph 1 (Lawson 5,950,201, col. 23, lines 17-49)

Again, citation 3.1b would appear to ignore the current wording of claim 1a) "**synthesizing and transmitting** said Unique Identifier by means of said Stateless Communications Protocol **to at least one Client...**". Instead, the citation discusses how a Data Manager (a human being "member of the design team", not a server method, as per col. 12, lines 16-18) can **manually** assign privileges to each member of a development team, which is the traditional Information Technology practice in almost perfect contradistinction to the teachings of the present application where all such "accounts" can be created and managed automatically, with an automatically assigned Unique Identifier for such accounts created and transmitted to and from the client without human intervention.

*"While more powerful situations are contemplated, the system can be installed in a prior art system, like that described in U.S. Pat. No. 5,333,312. Thus, as we show in FIG. 1, the prior art system of the earlier patent, can be employed in this application, by providing the system with new programs. However, such a system, as illustrated by FIG. 1 will be a data processing system 8, which may include a plurality of networks, such as Local Area Networks (LAN), 10 and 32, each of which preferably includes a plurality of individual computers 12 and 30..."*

Citation 3.2a (Lawson 5,950,201, col 9, line 41 to col 9 line 62)

The next citation, 3.2a, (pg.3, par. 2 OA 2005/12/02) "(Lawson '201 col. 9, line 41 to col. 10, line 20)" would appear to be more relevant to the preceding paragraph of the office action but still irrelevant to claim 1, parts b) and c) as it describes the computing topology upon which the disclosed methods execute, without substantively addressing the form transmission and submission protocol of the claim. (Two internet technologies are mentioned, Java and VRML, which are interactive content types that imply nothing about communicating state via stateless protocols). Page 3, paragraph 4 of the 2005/12/02 office action states "...different templates and system platforms such as high level programming languages, PC workstations, UNIX, etc **as claimed...**), where, plainly, Claim 1 is disclosing the Client-Server communication protocol in the restricted context of a simulation. Claim 10 restricts this to graphical output and Claim 15 restricts this to a "Browser".

The next citation, 3.2b, (pg.3, par. 2 OA 2005/12/02) (Lawson '201 cols 44-45, 63) is highly obscure, as it discusses "Automated Library Machines" and how they communicate using middleware to move data in heterogeneous compute environments. This is only related in the remotest possible way (i.e, transmission of data) to the disclosed transmission of a synthesized Unique Identifier back and forth with form data which is the clear intent of clauses b) and c) of Claim 1, and as such is not a relevant

reference to the prior art. Also the reference to "structure design data" here appears misplaced, but might be appropriate to claim 9. We respectfully suggest this is a poor reference, however, appellant readily concedes that form transmission and submission are well-understood features of the client-server prior art.

With regard to citations 3.4a,b,c,d and e (col. 6, lines 54-67; col. 9 line 53 to col. 11 line 55; col. 16, line 33 to col. 18, line 64; col. 20, line 27 to col. 22, line 65; cols. 33, 44-45, 51, 85-88), 3.4a) claims the van Huben Computerized Design Automation Method manages data and integrates just about any repetitive process related to design, development, manufacturing, inventory tracking. But crucially the system of van Huben does not contemplate a **public** demonstration/evaluation capability, particularly where the computation requirements may be substantial as is the case for simulations, and a primary application for the present invention and one that necessitates new methods for allocating finite resources in an uncontrolled environment.

3.4b-e do not address the issue of merging form data with simulation template data. The words "merge" or "merging" appear nowhere within van Huben ('201), and a "Simulation BOM" (col. 21, line 62) is not a template under control of a "Simulation Coordinator (Integrator)" (col. 73, line 60 to col. 74, line 3). This is a list of items that will trigger processes when certain changes occur. Merging of SPICE data into a template, as disclosed, is a known art but would require a fourth reference which would lend additional force to an argument for non-obviousness.

Also in this same paragraph of the office action, the examiner states "In fact, Lawman teaches a web-based design method and system over a computer network to provide a user or client with a unique identifier", and cites Lawman, '672, col 7, lines 50-58:

*"The vendor (Xilinx) places a web page on the internet in a location to which users (e.g., Xilinx customers and potential customers) have access. In the screen display of the user's computer, the web page requests licensing and access*

*passwords, which must be provided by the user in order to configure the design database. In this embodiment, the user interface will not write any output files unless the user accepts the license terms. This type of licensing requirement is well known to those skilled in the software art."*

Citation pg 3, par. 4 (Lawson '672, lines 50-58)

Plainly this says nothing about use of a Unique Identifier transmitted by a stateless protocol such as HTTP and would seem to reference Fig. 0a of the present application which shows a login step. As has been often stated in previous responses, however, the present invention is compatible with, but does not require, a traditional login step, which was only added at the request of a prospective client. Synthesis of the Unique Identifier only optionally depends on a user login.

In fact, the Xilinx XPCI system disclosed by Lawson works by means of a Java applet opening a TCP connection to a host; a traditional client-server mechanism and something that does not work through standard firewall/HTTP proxies (as documented by Xilinx; see evidence appendix I2 and previous OA responses). Therefore, the cited reference actually demonstrates one of the limitations of the prior art the present invention was designed to overcome, and therefore helps demonstrate the non-obviousness of the present invention.

Citations 3.4g and 4.1a/b of the 2005/12/02 office action (Lawman '672 Figs. 5-17, cols. 7-10) refer to a "unique identifier" and an applet ID although the word "unique" does not appear anywhere in Lawman '672 and ID only appears in "PCI Device ID" where it is a part of an illustrative example, not part of the preferred embodiment.

## **Claim 2**

Depends for its novelty on Claim 1.

### Claim 3

On page 5, par. 2 of the office action of 2005/12/02, “As per claim 3...”, citation 5.1 (Lawman, cols. 6-10). In this case, the phrase “operating system” cannot be found in Lawman, although cross platform support is inherent in the idea of a web browser. However, the claim under discussion (3) is “The method of Claim 2 wherein at least some of said output data is automatically rendered by Client methods **for graphical display.**” Lawman addresses synthesis and download of a package, not the graphical result of a simulation (see Lawman 6,324,672, col 10, line 58 – col 11, line 15), although it is conceded that the issue would be clearer if “graphical display” were referred to as a plot or chart.

### Claims 4, 5 and 6

Appellant disputes the triple rejection of distinct claims 4-6 in OA 2005/12/02 pg 5., par. 3 (“As per claims 4-6...”) by reference to the non-extant “Unique Identifier” of Lawman ‘672, although it is conceded that Claims 4 and 5 ultimately depend on Claim 1 for their novelty. Claim 6, however, (“The method of Claim 1 wherein the Unique Identifier is made verifiable by means of an internal checksum.”) is plainly nowhere to be found in van Huben, Lawson or Kahn.

### Claim 7 and 8

Regarding the rejection of claim 7, “As per claim 7, Lawman teaches the claimed features such as data base record, record indexing, timestamp for record, design simulation and compiling record, etc. (cols 7-12)” (pg. 4) , the word “database” does indeed show up throughout Lawman, but always either explicitly as “design database” or referring to the design database. The database disclosed in claim 7 is a database that contains “simulation usage” and “timestamp”, which is used to keep regulate usage of the simulation resource, a mechanism neither disclosed nor anticipated by Lawman. Design databases are for storing design information (a function performed in the invention under

appeal by temporary files), and usage databases are for tracking resource usage, and these are non-analogous functions.

Regarding the rejection of claim 8, “As per claim 8, Van Huben (201) teaches processes prioritized for scheduling and resources distribution for automation design tool...”, Van Huben has a scheduling mechanism for preventing deadlock of processes, it does not have a mechanism for adjusting process priority based on how many times the same job has been run by the same user. Because van Huben relies on traditional account management, it does not need an automatic mechanism to control usage.

#### **Claim 9**

Regarding the rejection of claim 9, “As per claim 9 Lawman teaches the claimed features such as circuit synthesis and design data from vendor to client, design and synthesis from client to simulation server or vendor for circuit design and compilation (cols. 7-12)”, Lawman does not teach the transmission of the designed circuit back to the client in such a manner and in such a form that web-based simulation can immediately be performed upon it. (Claim 9aa-ac, followed by Claim 1b followed by Claim 9ad) From col. 10, line 9 through col. 11, line 28, the upload (“download”) of design data, compilation and retrieval of a netlist is described, but the retrieved netlist is not in such a browser-displayable and editable form such that it may then be simulated to confirm functionality. In this regard, Lawman is typical of the prior client-server CAD art.

#### **Claim 10**

The rejection of Claim 10 is so nearly identical to that of Claim 1 and the arguments against them so similar, that the same arguments apply with just a change in the citations of the Examiner’s action.

Lawman does not teach the use of an on-demand, synthesized Unique Identifier, instead he teaches the use of passwords, a traditional computer management art “...the web page requests licensing and access passwords, which must be provided by the user in order to configure the design database.”



**Claim 11**

The association of privileges to an account (in this case, as defined by the automatic Unique Identifier) is a known art, except that in the present invention the privileges are not assigned by a person, such as an account manager (or “Data Manager” in the phraseology of van Huben), but can be assigned and adjusted automatically, by, for example, a usage “ticket”.

**Claim 12**

The claim is: “The method of Claim 14, wherein said assigned Unique Identifier is saved on the Client (e.g., a “Cookie”) to permit a simulation or synthesis session to be suspended and resumed at a later time without requiring the user to re-qualify for access.” The rejection “As per claim 12, Van Huben (201) discloses the user client in a network of workstations and web browser. Each user client station carries a unique identification may be saved in client browser (col. 9) in order to identify user workstation for tracking, security, and other purposes to improve network quality. Van Huben teaches user web browser to access, retrieve, and perform user work such simulation of circuit, verification of user design, etc. over a distributed CAD design system over a computer network (Figs. 3-10, 19, 20, cols. 10-20,44-50). (Paragraph) Lawman teaches a web-based design method and system over a computer network to provide a user or client with a unique identifier to create or generate design simulation data (col. 7, lines 50-58). The network transmits the unique identifier to create user client interface, taking action from the user through the web-based programming interface applet id (Figs. 5-17, cols. 7-10) and for user client interface such as entering or editing data (cols. 7-10) remotely, compiling data from the other server, etc. as taught in col. 4, lines 1-42, and in cols. 7-10.”, doesn’t address the issue of storage of a synthesized ID on the client in a cookie, because van Huben and Lawman are traditional log-in environments. Claim 1 has long since been changed to clarify that the identifier is dynamically assigned and is used to introduce state to the HTTP protocol, and the mechanisms of van Huben and Lawman are not equivalent.

**Claim 13**

With respect to claim 13, pg. 8, p4 OA 2005/12/02 (“As per claim 13, Lawman teaches feature limitations such as getfile, logfile, data type and format for simulation (cols. 7-12).”) Lawman mentions server generation of simulation models and client simulation output, but not server simulations. This is critical because simulations are CPU-intensive tasks, and therefore not trivially shared. The log file mentioned in Lawman is plainly an error log file, not something intended for marketing purposes. It is also ambiguous whether the error logfile is located on the client or server which is important because only a server log would be available for marketing/sales analysis.

**Claim 14**

Claim 14 makes clear that the log-in page of the preferred embodiment is optional and in conjunction with Claim 12 can be preserved so that the user doesn’t have to repeat the process. In fact, Claim 14 is more general, whereby the user could “log-in” simply by filling out a survey or responding to a challenge-response in order to be given simulation time. Since the cookie is permanent, once the number of simulations has been used up, the user may or may not be able to recharge, as may be chosen. The advantage of this mechanism with a recharge option is that it slows down resource “hogs” by forcing them to reregister (for example).

It is true that Lawman teaches the use of passwords to access the XPCI applet, but this mechanism is both more general and tied in to the dynamically-assigned, proxy-compatible Unique Identifier. Lawman also fails to be proxy-compatible. The this mechanism is therefore more general and flexible than Lawman and cannot be considered an equivalent.

**Claim 15**

The most important thing about Claim 15 vs. Claim 1 is step f), which has been inserted before the step f) of Claim 1, which is step g) in Claim 15.

f) while processing said merged data to produce output data, simultaneously capable of accepting and processing new User Form Data from said at least one Client, reception of said new User Form Data with identical Unique Identifier causing present execution of simulation method to be aborted and associated resources freed in favor of processing of said new User Form Data;

That is, if a new request is submitted during the processing of a simulation, the old process is automatically killed and a new process is begun. This is important from both user-interface and server-resource points of view and is not a natural function of CGI which in most cases lets an old submission run while launching a new submission, which is unacceptable for CPU-intensive processes.

Examiner's rejection of Claim 15 is nearly word-for-word ("to the user" added pg. 8, par. 3) the same as for Claim 1 and with the identical meaning, so all of the arguments for Claim 1 apply here. However, because the functionality of step f) wasn't addressed by Examiner's response, the rejection of Claim 15 should be held invalid, regardless of the merits of Claim 1.

#### **Claim 16**

The rejection reads: "As per claim 16, Van Huben discloses processing a plurality of simulations from single client concurrently, and reducing simulation process as claimed including aborting simulation process, keeping the last simulation process results, etc. as known for those skilled in the simulation and a practice in simulation processing." In fact, there is to the best of the Appellant's knowledge nothing like Claim 16 in van Huben and the lack of a relevant citation argues that this rejection should be held invalid.

### Conclusions

For the reasons given, we respectfully hold that the present Application deserves further prosecution on the merits and that if held to an equitable standard with the contemporary art, even including art post-dating the reduction to practice of the present invention, claims 1-16 will be found allowable. Appellant respectfully requests that the evidence of October 19, 2005 vs. Lawman be admitted and to reverse the rejections of claims 1-16.

In light of Appellant's PRO-SE standing and in the interest of moving prosecution forward, Appellant also respectfully requests that any further non-substantive errors be overlooked in pursuit of a decision.

Respectfully submitted,



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APPLICANT, PRO-SE 09/287,478

**H. Claims appendix.**

1. A server simulation method, for use with at least one Client communicating with at least one Server over a Network by means of a Stateless Communications Protocol, said simulation method comprising the steps of:
  - a) synthesizing a Unique Identifier and transmitting said Unique Identifier by means of said Stateless Communications Protocol to at least one Client, said Unique Identifier of a data type compatible with proxies for said Stateless Communications Protocol and said Unique Identifier to be used by at least one Server for at least one of the purposes of a) maintaining server state including, but not limited to, separation and management of User data, b) limiting access to or limiting use of server resources, c) tracking server usage or d) server security;
  - b) transmitting Form Creation Data to said at least one Client;
  - c) accepting User Form Data and said Unique Identifier from said at least one Client;
  - d) merging said User Form Data from said at least one Client with other data, including simulation template data;
  - e) processing said merged data to produce output data, wherein said output data are functions of a simulation and in a format compatible with said at least one Client display instructions;
  - f) transmitting said output data to said at least one Client.
2. The method of Claim 1 wherein only steps c-f may be repeated for each new simulation of the same form and wherein only steps b-f may be repeated for each simulation of a new form.
3. The method of Claim 2 wherein at least some of said output data is automatically rendered by Client methods for graphical display.
4. The method of Claim 1 wherein said Unique Identifier is used to keep the data of

each user separate from all other users, with high probability (>99%).

5. The method of Claim 4 wherein said user data is stored in temporary files with a limited lifetime.

6. The method of Claim 1 wherein the Unique Identifier is made verifiable by means of an internal checksum.

7. The method of Claim 1, comprising the following additional steps before processing of said merged data:

- a) retrieving a database record indexed by the Unique Identifier, said database record containing at least an associated simulation usage and timestamp;
- b) creating a new database record when no existing record is found, said new database record indexed by the Unique Identifier and containing at least a simulation usage initialized to zero (0) and a timestamp initialized to the current time;
- c) deleting said retrieved record and backing up at least one step, if said timestamp has become older than a certain threshold;
- d) skipping at least the processing of said merged data, if the simulation usage per unit time has exceeded some threshold;
- e) updating said simulation usage in said database record and saving the updated record in said database.

8. The method of Claim 7, wherein the simulation usage is used to lower the process priority of the simulation.

9. The method of Claim 1, wherein additional steps related to circuit synthesis are inserted just before step b), such steps comprising:

- aa) transmitting Circuit Synthesis Form Creation Data to said Client;
- ab) accepting Circuit Synthesis Form Data from said Client;
- ac) synthesizing a circuit according to said Circuit Synthesis Form Data, where said

synthesized circuit and other temporary files are optionally kept on the Server and indexed by means of the Unique Identifier for eventual use in step 1e);

ad) creating Form Structure Data for use in step 1b), said Form Structure Data containing circuit topology data.

10. An interactive network simulation method, for use with at least one Client communicating with at least one Server over a Network by means of a Stateless Communications Protocol, said method comprising:

synthesizing a Unique Identifier and transmitting said Unique Identifier by means of said Stateless Communications Protocol from a Server to a Client, said Unique Identifier of a data type compatible with proxies for said Stateless Communications Protocol;

transmitting Form Creation Data from a Server to said Client;

transmitting Schematic data from a Server to said Client;

displaying a Form as described by said Form Creation Data and rendering an associated Schematic as described by said Schematic Data by display methods of said Client;

merging of User Form Data from said Client with other data, including simulation template data;

processing by a Server of said merged data to produce at least graphical output data, wherein said graphical output data are functions of a simulation and in a format compatible with said Client's display instructions;

transmitting at least said graphical output data to said Client.

11. The method of Claim 1, wherein said assigned Unique Identifier is associated with superior or inferior privileges, said privileges comprising at least one of: a) access to models and circuits, b) simulation priority and/or maximum simulation time, c) quality/accuracy of simulation methods employed, d) the maximum size and/or persistence of design and/or simulation data.

12. The method of Claim 14, wherein said assigned Unique Identifier is saved on the Client (e.g., a "Cookie") to permit a simulation or synthesis session to be suspended and resumed at a later time without requiring the user to re-qualify for access.

13. The method of Claim 1, wherein some portion of the said User Form Data is logged together with at least said Unique Identifier for marketing, sales or debugging purposes. Suitable storage mechanisms for said logged data include, but are not limited to: a) HTTP log file (if HTTP GET mechanism used to initiate simulation), b) file of a type and format determined by the simulation software or c) database record.

14. The method of Claim 1, wherein said Unique Identifier is created and transmitted contingent upon the user qualifying for access by successfully conveying appropriate qualification data from the Client to the Server.

15. A server simulation method, for use with at least one Client communicating with at least one Server over a Network by means of a Stateless Communications Protocol, said simulation method comprising the steps of:

- a) synthesizing a Unique Identifier and transmitting said Unique Identifier by means of said Stateless Communications Protocol to at least one Client, said Unique Identifier of a data type compatible with proxies for said Stateless Communications Protocol;
- b) transmitting Form Structure Data to said at least one Client;
- c) accepting User Form Data and said Unique Identifier from said at least one Client;
- d) merging said User Form Data from said at least one Client with other data, including template data;
- e) processing said merged data to produce output data, wherein said output data are functions of a simulation and in a format compatible with said at least one Client Browser instructions;
- f) while processing said merged data to produce output data, simultaneously capable of accepting and processing new User Form Data from said at least one Client, reception



of said new User Form Data with identical Unique Identifier causing present execution of simulation method to be aborted and associated resources freed in favor of processing of said new User Form Data;

g) transmitting said output data to said at least one Client.

16. The method of Claim 1 with the additional ability to execute a plurality of simulation method steps c-f from a single Client concurrently, said plurality being reduced to a single simulation method by aborting all but the method steps corresponding to the last submitted Client User Form Data.

**I. Evidence appendix.****APPENDIX II****Unaddressed per-claim arguments against citations of prior art and and/or non-obviousness. (from Applicant's response of 9/22/2005, entered by examiner)**

The citation of Lawman (672) is actually an excellent argument in favor of the novelty and non-obviousness of the present invention, since Xilinx was apparently aware (see appnote reference below) of the inability of their XPCI applet to work behind corporate firewalls. In 1999, ChipCenter (formerly EDTN), part owned by CMP Media, was the sole client for the technology of the present invention, which was being used in HTML "interactive articles" to permit user simulation of circuit ideas explained in the text. Towards the end of 1999, Xilinx became the primary sponsor of this site (at the same time they were prosecuting the predecessor to (672), and they were very interested in the present invention—discussions took place about making the technology available directly to Xilinx. Those discussions did not produce a new sale, though they continued to sponsor the site for some time after and their interest validates the novelty and non-obviousness of the present invention relative to Lawman (672). Synopsys was also interested at this time.

The most general arguments for non-obviousness remain the size of the electronics industry (multiple 100's of billions of dollars in 1997) and the high visibility of the internet in 1997. This Lack of Prior Implementation points to an Assumed Unworkability, which applicant posits as a possible failure to appreciate the cumulative increase in performance of mainstream CPUs, coupled with a widely held underestimation of the potential of the WWW for client-server interaction.

The present invention has no pretensions to claiming the invention of CAD using a web browser, and has in fact disclosed prior art in this regard. The prior art, as was the case with Van Huben and now Lawman (672), typically requires administered accounts for

security and resource limiting purposes, whereas the present invention does not have these limitations. Consequently CPU-intensive activities such as circuit simulation can be made publicly available, which is a new frontier for CAD. Lawman (672) specifically discusses the need for login accounts. Unfortunately, the present invention included an optional login step which the applicant would consider removing for clarity if it would not be considered "new matter".

After further reflection, applicant believes the blandness of the phrase "Unique Identifier" may be the core obstacle to allowability and so has modified claims 1, 10 and 15 to make explicit that the Unique Identifier is something that is transmitted at the Stateless Protocol level and so can in no way be construed as any part of traditional client-server communication.

Regarding "As per claim 1",

Lawman's (672) sole advantage over Van Huben (201) is the demonstration of a Java applet used to contact a remote server for CAD purposes, but Lawman does not teach anything about how the applet communicates with the server and in particular it does not address a need to dynamically synthesize an identifier, which would likely be superfluous since Lawman specifically discusses the use of "access passwords" (C7:L50 – C8:L11), which would seem to imply the existence of accounts. In fact, Xilinx's own application notes would appear to disclose an inability to communicate via a (HTTP) proxy server. [Unentered Information Disclosure Statement of 10/19/2005, pending as post-Appeal admission under

Regarding "As per claim 2",

The novelty of this claim depends on Claim 1.

Regarding "As per claim 3",

Lawman does demonstrate various user interfaces compatible with multiple operating systems, apparently by means of a Java applet (inferred from Fig. 6, and various "Unsigned Java Applet" messages in other Figures). Cross-platform functionality is intrinsic to Java and HTML. Critically, however, an explanation of the networking details is absent in Lawman, and so cannot be considered taught.

Fig. 6:

"XPCI Web Based Programming Interface Applet \$Id:

xpciClient.java, v 1.3 1997/01/24 16:41:12"

Regarding "As per claims 4-6",

Applets have multiple connectivity options in contacting a server:

- 1) With ordinary applet privileges, an applet may open a connection to the server from which it was loaded. With full privileges (not the default, nor apparently the case here as it requires a signed applet), an applet may open a server socket and make contact to any port on any machine on the Internet. Opening sockets for communication is traditional behavior for client-server applications and is not in general compatible with proxy servers. I have found this on a foreign website, which appears to be a copy of an old Xilinx appnote regarding XPCI (relevant portion)

(From  
[http://www.nalanda.nitc.ac.in/industry/appnotes/xilinx/document  
s/techdocs/7436.htm](http://www.nalanda.nitc.ac.in/industry/appnotes/xilinx/document/s/techdocs/7436.htm))

...  
#7436

Solution 1:

This error can occur while trying to access the PCI Web Core  
Generator from behind a corporate firewall. The Xilinx CORE

Generator applet must establish a socket connection directly with the server at [www.xilinx.com](http://www.xilinx.com). Some corporate firewalls block these type of connections.

There are currently a couple of workarounds:

1) Verify with the system administrator that the firewall does not block socket connections.

2) Access the PCI Core Generator from another ISP which allows socket connections

3) Contact the hotline with your PCI Lounge username, password, and details of what core you wish to download, and have them generate the core and email it to you.

...

- 2) An applet may contact a server using the ordinary CGI GET / POST mechanism, which does not by default cause any preservation of state on the server, and in many cases this is sufficient. Certainly it could have proved sufficient for Lawman, et al, to simply spawn a traditional CGI process which after running for some time on the server returned results directly, or emailed them. Because it was required that the user log on to his or her account, there was no need to create a "Unique Identifier".
- 3) The present invention also makes use of the CGI mechanism, but adds an automatically assigned unique identifier for a multiplicity of purposes, amongst which is management of state on the server in the absence of an open socket connection or login account. Lawman neither teaches nor anticipates the need for a dynamically assigned unique identifier at the application level.

Regarding "As per claim 7"

Use of the word database in Lawman is essentially restricted to "design database", equivalent for the present invention to a submission of user data. What is referred to as a database in the present invention is something with a completely different purpose, that

of storing auditing data.

Regarding “As per claim 8”,

As previously noted, van Huben does not teach lowering of process priority based on usage. Van Huben’s resource/attribute tables appear directed at preventing deadlock by enabling or disabling entire processes according to resource availability, rather than adjusting process priority.

Regarding “As per claim 9”,

Lawman does not teach the synthesis of a circuit that is transmitted to the client for editing within a browser window for subsequent simulation.

Regarding “As per claim 10”,

The issues are essentially the same as in 1: Lawman does not in fact teach the use of an on-demand synthesized or created Unique Identifier, instead he refers to passwords, a traditional method part of the prior art.

Regarding “As per claim 11”,

As previously noted, the privileges described herein need not be assigned by an account manager. These privileges may be derived by domain, from a “ticket” (perhaps stored in a cookie by another process), or by means of the link the user used to reach the first interface page, etc.

Regarding “As per claim 12”,

Neither Lawman nor van Huben say anything about cookies or other HTTP-specific state creation mechanisms because van Huben is a somewhat traditional CAD system operating via the Internet and Lawman is using a Java applet communicating via a connection with state (i.e., TCP/IP), whereas the claims of the present invention address the management of dynamic “accounts” over a stateless connection (HTTP).

Regarding "As per claim 13",

Lawman discusses log files in two contexts – the saving of error messages and the reading of data from IC. In the first case, the error messages can be used for debugging, but Lawman says nothing about marketing or sales.

Regarding "As per claim 14",

It is true that Lawman discloses the use of passwords to access the XPCI applet. But there is no transmission of a Stateless Communications Protocol-compatible Unique Identifier.

Regarding "As per claim 15",

The issues are essentially the same as in 1: Lawman does not in fact teach the use of an on-demand synthesized or created Unique Identifier, instead he refers to passwords, a traditional method part of the prior art.

Regarding "As per claim 16",

As previously noted, applicant does believe it is possible for a single user of the IBM DCS to initiate multiple simultaneous processes, but as there is no attached citation, and a search for keywords could not discover any discussion of automatic elimination of multiple simulations or other processes.

**J. Related proceedings appendix.**

None.



Feb 18, 2008

**K. Supplemental Declaration regarding Appeal Brief**

Evidence, as filed 12/20/2006 and amended 1/19/2007, 3/15/2007 and 2/26/2008

As an applicant in the above-identified application, I declare as follows:

1. If only one inventor is named below, I am a sole inventor, and if more than one inventor is named below, I am a joint inventor with the inventor(s) named below of the subject matter of the above identified application.
2. I have reviewed and understand the contents of the specification and claims, as originally filed, and as amended by the amendment(s) dated .
3. I believe that I, and the other inventor(s) named below if more than one inventor is named below, am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
4. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 C.F.R. Section 1.56(a), and if this oath accompanies or refers to a continuation-in-part application, I acknowledge the duty to disclose material information as defined in 37 C.F.R. Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor



Printed Name of Inventor

Christian S. Rode

Date

2/19/2008



To Whom It May Concern:  
Contents of this package:

- |  |          |
|--|----------|
| 1) This contents letter  | 1 page   |
| 2) A check for \$770   |          |
| 3) Form SB64 Petition for Revival for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) |          |
| 4) Supporting Letter for Petition  | 2 pages  |
| 5) 37 CFR 1.97(e) for IDS 10/19/2005   | 5 pages  |
| 6) Petition + cover letter   | 2 pages  |
|  | 48 pages |